The Sun.

THURSDAY, JUNE 21, 1906.
Showers to-day; fair to-morrow; fresh southwest winds.

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COMPANIES CAN'T CUT OFF GAS

SO APPELLATE DIVISION HOLDS. THREE JUDGES TO TWO.

The 80 Cent Law Is in Force Until Declared Unconstitutional, Say Justices Laughlin, O'Brien and Patterson—Justices McLaughlin and Houghton Dissent.

In two decisions handed down yesterday the Appellate Division of the Supreme Court, standing three to two, declared that gas consumers are entitled to injunctions restraining the Consolidated Gas Company from interfering with their supply of gas so long as they tender payment at 80 cents a thousand, as fixed by the Legislature, and that the 80 cent law is in force until declared unconstitutional after a trial on the merits.

The decisions affirm in one case the action of Supreme Court Justice Leventritt in granting an injunction to Dr. A. R. Grossman, a consumer, and reverse Justice Leventritt's prior action in refusing such an injunction while the matter was pending before Justice Lacombe in the United States Circuit Court. The injunction, so refused, is now granted to Jacob Richman, a lunch room proprietor at 484 Sixth avenue.

In the Richman case Justice Laughlin has written an exhaustive opinion covering twenty-four typewritten pages. Presiding Justice O'Brien concurs, as does Justice Patterson, but Justice O'Brien has written a short separate opinion. Justices McLaughlin and Houghton both dissent, writing separate opinions. Justice Laughlin says:

The defendant is exercising public franchises conferred by the people of the State through their Legislature, and is enjoying special privileges of using the public streets to serve the public, but for private gain. In thus exercising public franchises and special privileges it owes a duty to the public to furnish gas to its consumers at reasonable rates, which the Legislature may regulate and the courts may enforce. It is competent for the Legislature to regulate the price that the defendant may charge consumers, provided it does not require it to supply gas at a rate that will not admit of a reasonable profit to the stockholders upon the actual value of the plant and property of the company.

Justice Laughlin says that if the rate so fixed is unreasonable the courts may be appealed to, as has been done in the present case. He comments, however:

Both the Legislature and the State Commission of Gas and Electricity appear to have acted with due deliberation, and after careful investigation of the essential facts the gas company shows that the actual cost to the company of supplying gas to its consumers during the present year will be about 67 cents per thousand cubic feet, and that it is essential for it to reserve at least three cents per thousand cubic feet for maintenance of its plant, making a total cost to the company of 70 cents per thousand cubic feet, and leaving 10 cents per thousand as profit, which will make a probable profit for the year of $1,330,000, which, however, upon its theory of the case, will only admit of a profit of 1½ per cent. to its stockholders. The Commission of Gas and Electricity reached the conclusion, as shown by their order, that the 80 cent rate would admit of a profit to the stockholders of 8 per cent.

The controversy thus arising, says Justice Laughlin, can only be determined by an examination into the merits of the case, so that the value of the company's property upon which dividends should be based may be definitely ascertained. Meanwhile, he says, there is no ground for assuming that the law is unconstitutional. Until a judicial determination upon a final hearing is had it is a general rule of law that a statute shall be presumed to be valid, and "although its enforcement may be temporarily enjoined its operation cannot be suspended."

"The practical effect of this rule," says Justice Laughlin, "is that the legal rate which consumers are required to pay, and upon payment of which they are entitled to a continuance of the service, is that prescribed by the last enactment of the Legislature, pending the decision of the question as to the constitutionality of the statute. Therefore the company should not be permitted to coerce the consumers into paying the old rate."

The company may demand payment at the old rate and sue to enforce such demands, taking the risk of the penalties provided by the law. But in the present case, where the plaintiff stands upon his rights, and has tendered payment at the legal rate, "it is the duty of the defendant by the express terms of the statute to continue supplying the plaintiff with gas, and this is a duty which may be enforced by mandamus."

Justice Laughlin then examines the proceedings before the Federal court, to which no consumer is a party. Such proceedings, he says, cannot affect the rights of the plaintiff Richman, notwithstanding the many ingenious arguments of counsel for the gas company to the contrary.

It may be that under the prayer for relief the Federal court may by supplemental bill make private consumers of gas parties to the suit, but this court having first obtained jurisdiction of the controversy so far as it relates to the rights of the plaintiff, it will not be competent for the Federal Court to take jurisdiction over the plaintiff in such manner as to interfere with any order or decision that may be made by this court.

The decisions of the respective courts will be binding only upon the parties to the respective suits. If our court and the Circuit Court of the United States should not take the same view of the law, the Supreme court of the United States, if appealed to, will ultimately reconcile the decisions.

The dissenting Justices hold that, the Federal court having acquired jurisdiction in the gas cases, the general rule of comity should operate to prevent interference by the State courts, even though, as here, the plaintiff is not directly affected by the Federal proceedings. Justice McLaughlin adds that on the merits of the case the injunction should be refused. He says:

It is a somewhat alarming proposition that a legislative body can, simply by its own fiat, arbitrarily fix the price at which the owner of a product must sell it, and it is equally so that a court will refuse to the owner of the product the right to sell it at the price at which he had theretofore sold it pending a judicial determination as to the validity of the legislative act, when sufficient money is paid into court to reimburse a purchaser for the difference in price in case the act is declared invalid.

The decision in the Grossman case follows the opinions in the Richman appeal.

The decisions came down unexpectedly yesterday, as the cases were argued only a few days ago. The reason for the expedition was to enable the gas company to take an appeal to the Court of Appeals before the summer vacations.

JUSTICE DEUEL NOT LET OFF.

Appellate Division Directs a Reference on Petition for His Removal.

The Appellate Division of the Supreme Court decided yesterday that a referee should be appointed to investigate the charges brought against Joseph M. Deuel, Justice of Special Sessions, by William Travers Jerome, as a citizen. These charges involve the application by Mr. Jerome for the compulsory retirement of Justice Deuel from the bench.

The decision was handed down in this brief fashion: "Reference ordered. Settle order on notice." The settlement of the order will determine who is to be the referee. Not a word of comment was made by any of the Appellate Justices.

The order for a reference is a blow to Deuel, who believed, with his counsel, Edward Lauterbach, that the court would hold the charges insufficient and dismiss them peremptorily, as was done in the case of Magistrates Mott, Meade and others. Mr. Jerome's charges, growing out of the *Town Topics* scandal, accuse Justice Deuel of neglecting his official duties and violating the laws and the Constitution by devoting himself to a private enterprise while he was on the bench.

Justice Deuel maintained that he was debarred only from giving to a private enterprise time that should have been given to his judicial work. As long as he performed his judicial labors satisfactorily he held he was not forbidden to act as counsel to the Town Topics Publishing Company.

The Appellate Court refused to take this view of the matter, and directed him to answer the charges. He did so by pleading extenuation and setting up that all he did was through friendship for Col. Mann and the Colonel's daughter, the chief stockholder of the company; also that he was not aware that he was doing anything wrong, and would not have so acted had he been aware of the limitations imposed on him.

For these and other reasons he asked the court not to order a reference, but to let him off, practically with the injunction not to do it again.

CONGRESS LIKE A GROCERY.

Big Display of Canned Goods and Prepared Foods in the House.

WASHINGTON, June 20.—The House this afternoon adopted a rule providing for the consideration of the pure food bill, giving six hours to general debate and six hours to five minute discussion for amendment. The bill will be taken up the first thing to-morrow.

As soon as the House adjourned Representative Mann, who is to have charge of the bill, had brought in upon the floor of the House to be used as exhibits to-morrow an elaborate display of canned goods, fruit preserves, prepared and predigested breakfast foods, soda crackers in packages and a great variety of delicatessen. That some of these contain dyes and injurious preservatives and adulterants Mr. Mann purposes to demonstrate to the House. He intends also to show that many of the prepared foods are short weight, and to prove his assertions to-morrow he is expected to assume the rôle of groceryman.

AMERICAN MEATS DEFENDED.

Swiss Deputies Protest Against Wholesale Denunciation—Council Doesn't Act.

Special Cable Despatch to THE SUN.

BERNE, June 20.—The question of the use of American meat was debated to-day in the National Council. Deputy Steiger demanded that energetic measures be taken to protect the public health. M. Ruchet, Minister of the Interior, said that a law recently passed gave the Federal Council power to control imports of American meat.

Two deputies protested against the manner in which the Chicago scandals had been exploited. They accused Deputy Steiger of grossly exaggerating the facts. There was no proof, they said, of any damage to public health or of a single case of sickness in Switzerland from eating American canned meats. Inspection laws, they maintained, could not prevent a few accidents, but that did not justify Deputy Steiger and others in demanding the complete exclusion of American meats.

The Council agreed to leave the matter in the hands of the Government.

RICH WOMAN HELD FOR MURDER.

Mrs. Kauffman Goes to Jail Charged With Killing a Servant.

SIOUX FALLS, June 20.—Mrs. Emma Kauffman, wife of Moses Kauffman, a millionaire brewer of this city, was held to-day without bail for trial in the State Circuit Court on the charge of the murder of Miss Agnes Polreis, a sixteen-year-old girl, who was employed by her as a domestic. Mrs. Kauffman soon after the conclusion of her hearing was taken to the county jail. Her husband accompanied her to prison. She had a nervous collapse in the afternoon.

The proceedings in court occupied only a few minutes. When Mrs. Kauffman emerged from court her carriage, through a misunderstanding, was not at the curb. The crush became so great and the demeanor of the people so threatening that the party was compelled to seek refuge in a livery stable across the street, where they hired a rig. Shouts of "Lynch her!" "Hang her!" followed the carriage until it had passed out of sight.

HATED TREPOFF FOR PREMIER.

Report That the Czar Is Pressing Him to Form a Cabinet.

Special Cable Despatch to THE SUN.

LONDON, June 21.—The St. Petersburg correspondent of the *Tribune* says that everybody about the court recognizes that Premier Goremykin and his colleagues are absolutely unable to cope with the situation, yet no statesman can yet be found who is willing to accept the tremendous responsibility of the premiership. The Czar is pressing the notorious Gen. Trepoff to form a Cabinet, he apparently being the only strong man in Russia whom his Majesty trusts.

Chicago Labor Union Bank Quits.

CHICAGO, June 20.—The Commonwealth Trust and Savings Bank, which entered the Chicago banking field April 19, and was heralded as the labor union financial institution, to-day announced that it would retire from business as a bank under the State laws. It will be continued under the name of Dreblow & Co., private bankers, until such time as the capital is paid up.

Sea Level Canal Bar Removed.

WASHINGTON, June 20.—The Sundry Civil appropriation bill was reported to the Senate by the Appropriations Committee to-day. The committee struck out the House provision that no part of the Panama Canal appropriation shall be spent for a sea level canal.

AFTER A RAILROAD PRESIDENT

ROOSEVELT HOPES TO CONVICT ONE OR MORE.

Thinks the Example Thus Set Would Be Wholesome Check on Rebaters—Cassatt and Other Big Railroad Men Not to Appear Before Interstate Commission.

WASHINGTON, June 20.—Big men of the railroad world are not expected to appear at the hearing to be held to-morrow by the Interstate Commerce Commission, which is investigating the relations of the railroads to the coal and oil industries. Advices received here are to the effect that Presidents Cassatt of the Pennsylvania, Newman of the New York Central, Stevens of the Chesapeake and Ohio, Yates of the Buffalo, Rochester and Pittsburg, Murray of the Baltimore and Ohio, Johnson of the Norfolk and Western and others will not come, and instead of the great array of talent that it was believed a week or so ago might assemble in Washington, the commission will be confronted by groups of subordinates.

The railroad presidents named and many others were "invited" to appear before the commission to make explanations of the relations alleged to exist between the coal companies and officers of the roads. They were not legally summoned. It is presumed that an invitation instead of a subpœna was issued because of the immunity granted in recent legal proceedings instituted by the Government against certain combines.

In the hearings held in Philadelphia and elsewhere in the last month or so the commission has developed irregularities that amount to violations of those features of the Elkins anti-rebate act prohibiting discriminations by the railroads. It is understood to be the purpose of the Government to proceed against the heads of the railroad systems involved, and for that reason they were invited and not summoned to appear before the commission. Mr. Cassatt and certain other presidents did not reply to the invitation. Others got in touch with one another and decided not to appear. In fact, some of the railroad presidents took the position that their interests might be prejudiced by such an appearance.

There is good reason to believe that the Administration intends to make an example of some railroad president or presidents. The Government seems to be proceeding on the theory that nothing will go as far toward putting an end to unjust and illegal discriminations by railroads as the conviction of one railroad president or other high railroad official upon whom responsibility for discriminations can be fixed. Hence the presidents named were not subpœnaed to come before the commission, for any testimony which they were forced to give could not be used against them in the courts.

Proceedings if brought will be under the Elkins law, which has proved to be more effective than it was generally believed to be a few months ago. It is understood, also, that actions may be brought under the Pennsylvania State laws, which forbid railroad officials owning stock in coal companies, but with which the National Administration will, of course, have nothing to do, save to furnish any evidence which the Pennsylvania law officers may ask.

A. Robertson, general manager of the Western Maryland Railroad Company, testified before the commission to-day that the road owned the Davis Coal and Coke Company in West Virginia. As far as he knew the carrier was not interested in any other coal concern along its line. Mr. Robertson said he had no stock in coal companies and had never owned such stock. He testified that no complaints had been made against the Western Maryland of discrimination in the matter of car distribution.

C. A. Steiner, superintendent of the Western division of the Western Maryland, admitted that he owned five shares of stock in the Abrams Creek Coal and Coke Company. He purchased it of Mr. Brady, the president, who was connected with the Western Maryland at the time of the sale. He knew of no other officer of the Western Maryland who owned coal stock.

Comptroller H. W. Baumess of the Buffalo and Susquehanna testified that his company owned or controlled all the coal properties along its lines. He said there were undeveloped coal lands in the region in which the road operates, but that no applications to work them had ever been made.

"Why is it," asked Commissioner Clements, "that these undeveloped coal lands are not worked? Is it because your road and the others in that region control all of the coal lands or is it because the owners cannot get sidings?"

The witness replied that he did not know why the lands were not developed, but he did know that if they were worked facilities would not be lacking for handling the coal taken from them.

At the afternoon session C. E. Doyle, general manager of the Chesapeake and Ohio Railroad, was called to the stand and questioned by Mr. Whitney, special counsel for the Government. Mr. Doyle said that he owned no interest in any coal mining property, and so far as he knew no other officer of his company owned any.

He said that the Baltimore and Ohio Railroad used about 3,500 tons of coal a day, and that this was obtained from mines along its lines. Of this amount, he said, from 350 to 400 tons a day were purchased from properties owned by E. J. Berwind of the Berwind-White Coal Company.

In reply to questions by Mr. Glasgow the witness admitted that the railroad company was enabled to buy coal from the operators practically at a reduced price.

"They do that in order to insure distribution of cars, don't they?" asked Mr. Glasgow.

"I suppose that is a consideration."

"Then that is about equivalent to paying for the car distribution?"

"Yes."

It was developed that the cars for fuel coal were included in the regular distribution of cars, except in the case of the Berwind-White company. Mr. Doyle said this exception was due to an old contract which would not expire until next year.

In response to an inquiry from Commissioner Clements the witness said that the inclusion of the fuel cars in the regular distribution was the fairest arrangement that could be made.

J. C. PHILLIPS SHOT AND ROBBED

Superintendent of the Parkway Driving Club Held Up on Kings Highway.

John C. Phillips, superintendent of the Parkway Driving Club, was held up and shot by two men on Kings Highway near Coney Island avenue at 11 o'clock last night. He is now in his home at the driving park in a very serious condition.

Mr. Phillips was returning from a visit to a friend and was nearly opposite the residence of John Gerken, on Kings Highway, when the two men ordered him to hold up his hands.

The highway was very dark. Mr. Phillips started to obey when one of the men fired. The bullet struck Mr. Phillips in the mouth and imbedded itself in the back of the neck. The men then grabbed Mr. Phillips's watch and, not waiting to remove the diamond stud from his scarf, took scarf and all. They then disappeared through the trees.

Mr. Phillips made his way to his house and Mrs. Phillips assisted him to the house of Dr. T. W. Bergen a mile away.

Dr. Bergen found Mr. Phillips in a serious condition and drove him back to his home. Dr. M. T. Lewis of 414 Fifty-fifth street, Bay Ridge, was called in. The physicians were still probing for the bullet late last night. They said the wounded man's condition was critical.

FOUR YEARS FOR CONGRESSMEN.

Proposed Amendment to the Constitution Fails to Pass the House.

WASHINGTON, June 20.—A new proposition for a constitutional amendment to govern the election of Senators and Representatives in Congress was sprung upon the House of Representatives to-day. Mr. Norris of Nebraska moved to suspend the rules and pass his bill to elect Senators by a direct vote of the people and to extend the term of Representatives to four years. The last part of the bill came as a surprise to the members, who largely opposed it. Mr. Cockran of New York alone of those addressing the House aside from the proposer spoke in its favor. He advocated it for the reason that under present conditions the House was organized incapacity and disorder, and the principal cause of that was the brevity of the term of the members.

Several members asked that opportunity be given to vote on the two propositions separately, desiring to put the House on record the fifth time since 1893 as in favor of electing Senators by the people, but objection was made by Messrs. Norris and Capron of Rhode Island.

The vote resulted ayes 89, noes 86, not two-thirds in the affirmative, and the motion to pass the bill failed.

HAD A RIGHT TO SPEED.

So Sergeant Says; but Doctor on Very Hurried Call Was Held Up All the Same.

Dr. Victor Meltzer of 177 West 126th street was running up Fifth avenue in his automobile last night when he was stopped and arrested at 112th street by Bicycle Policeman Eynam. The doctor had the cop hustle with him to the East 104th street station, where the physician deposited $100 cash bail and begged the sergeant to allow him to hurry away.

The sergeant wanted to record the doctor's full pedigree and all about the complaint of the bike cop when Dr. Meltzer interrupted and said:

"Now, look here; I am hurrying to 127th street to attend a confinement case. It may be a case of life or death. Let me hurry and attend to this case and then I'll return and give you all the facts you may want."

The sergeant accepted Dr. Meltzer's $100 and his promise to return and answer questions. The physician hurried away and after attending to the case returned to the station house. When the sergeant learned that it was a boy he chuckled and remarked:

"I'll bet the Magistrate turns you out in the morning. You should not have been arrested. In such cases as that you have as much right to exceed the speed limit as Chief Croker has when he is hurrying to a fire."

SWEEPING RATE CUT ORDERED.

Kentucky Railroad Commissioners Deal a Heavy Blow to Railroads.

LOUISVILLE, Ky., June 20.—The State Railroad Commission, sitting in Frankfort, dealt a heavy blow to the Louisville and Nashville and Illinois Central roads to-day, others also being affected, when a decision was handed down ordering a sweeping reduction in rates to all local points, effecting a saving to shippers of an amount estimated at $1,800,000.

The Louisville and Nashville is hardest hit of all the roads, the commission ordering that its present rate be reduced 25 per cent. The Illinois Central is also singled out for censure and is forbidden to charge in excess of the rate fixed for the Louisville and Nashville.

The freight rate charged on the main stem of the Louisville and Nashville running down toward Nashville is taken as the basis for all freight rates in Kentucky. The Cincinnati, New Orleans and Texas Pacific and Southern are also held to be charging unfair rates, but these roads are not censured as are the first two named.

The Chesapeake and Ohio is practically exonerated. It is practically certain that the Louisville and Nashville and the Illinois Central will make a vigorous fight against the enforcement of the new ruling. It was shown in the report that Cincinnati was greatly favored over Louisville. The effect of the decision is summed up in the terse statement of a prominent railroad man:

"The decision is astounding and revolutionary."

MAE WOOD'S SUIT DISMISSED.

Action Against Senator Platt Thrown Out of Court in Omaha.

OHAMA, Neb., June 20.—In the District Court here to-day the $25,000 suit for damages filed by Mae Wood, a former clerk in the Post Office Department in Washington, against Senator Thomas C. Platt of New York and the United States Express Company was dismissed for want of prosecution. Miss Wood sued for services alleged to have been performed for Senator Platt and the express company in looking after matters of interest to them in the Post Office Department.

It was filed soon after she began the suit against Senator Platt, Secretary Loeb, ex-Postmaster-General Robert J. Wynne and others for conspiring to rob her of alleged love letters she had received from Senator Platt and the manuscript of "The Love Letters of a Boss," a book which she was preparing to get out.

THREAT TO KILL MRS. KINNAN.

POLICEMAN FINDS A SEALED LETTER IN STENTON HOUSE.

Head of Bronx Detective Bureau Says It Is the Most Tangible Clue to Murder Mystery Yet Found—40 Witnesses Subpœnaed for Inquest This Morning.

A letter, which, according to the police, contains threats against the life of Mrs. Alice C. D. Kinnan, who was murdered in her home in The Bronx on June 8, was found last night in the house where the murder occurred.

The finder was Policeman Manning of the Tremont police station, who was rummaging around the old house all afternoon. He says it was sealed when he found it. It was addressed to Mrs. Kinnan.

Manning immediately notified Acting Captain Price, the chief of the Bronx bureau, and Detectives O'Rourke and McCarthy were sent up to investigate. They brought the letter to Price, who opened it and read the contents.

Capt. Price refused to make the letter public, for fear, he said, of defeating the ends of justice. But he declared that the letter was the most important and tangible clue that had yet come into the hands of the police.

It was learned from police sources that the letter is dated June 6, just two days before Mrs. Kinnan was murdered, and that there are in it threats against the life of the woman.

Capt. Price would not say whose name was signed to the letter, nor whether it was written by a man or a woman. He intimated that the whole force at his command would be busy to-day following up the clue developed by the letter, and that he expected to nab the writer within twenty-four hours. Meanwhile, he said, he would notify the Coroner.

Previous to this discovery Coroner McDonald and Acting Captain Price were rather at a standstill yesterday. Certain discoveries made in the old Stenton home which seemed at first to have a significance turn out to be practically valueless, leading to little more than conjecture. Mrs. Stenton has kept her mouth tightly closed, and the detectives with all the tricks of their trade haven't been able to find out what she knows. This morning the inquest will be held at the office of Coroner McDonald.

Most of the time of the police was taken up yesterday with serving summonses. Forty-six witnesses have been directed to appear at the preliminary examination, most of them persons living in the neighborhood of the ramshackle old mansion, who possess various scraps of information about old Mrs. Stenton and her murdered daughter. Acting Capt. Price declined to make public the names of these witnesses, but intimated plainly that no new ones of value have been discovered.

Both Coroner McDonald and Price were hopeful that they would strike a lead during the inquest, both believing that there is a fair chance. Mrs. Stenton may be led to tell things of importance. Yesterday morning and afternoon Price's sleuths questioned Mrs. Stenton again, but got nothing from her.

Coroner Schwanneke of The Bronx, who is assisting Coroner McDonald in the investigation, made a broad statement yesterday as to whom he believed to be the murderer, saying at the same time that the person he alluded to has been practically under arrest for forty-eight hours. He admitted at the same time that it was merely his own supposition. Apparently Capt. Price was not especially pleased when he heard that Coroner Schwanneke had been talking.

"There is nobody under arrest," said Price with a slight show of irritation, "As far as I am concerned I have said nothing about who I believe is guilty. I don't think it is time to talk."

Coroner McDonald listed and ticketed the various articles of silverware and junk which were discovered on Tuesday when the police found a secret room in the old house. Most of the silverware bore the initials of Mrs. Stenton's maiden name, Louise Malcolm. There were 112 articles found in the room, most of them silverware of various kinds.

When Mrs. Stenton was asked about these things she replied shortly that they were all her own property. The police believe this to be the truth. The discovery of two silver mounted rifles didn't seem to indicate much to sober judgment, since Mrs. Stenton, according to the gossip of the neighborhood, was a collector of all sorts of queer junk.

Almost every day since June 8, when Mrs. Kinnan was murdered, an axe or a hatchet or a rusty knife or, perhaps, on the dullest of days, only a suspicious looking iron bar has been discovered in a convenient rubbish heap or weed patch or dark cellar. Yesterday afternoon a long handled axe was brought to light, the iron stained with a reddish rust and a long hair twisted neatly under a splinter. Price's men said shortly that if the axe had been anywhere in the house or on the grounds it would have been found during the search of the first few days.

A. BRYAN WALL ACCUSED.

Well Known Pittsburg Artist Charged With Alienating a Woman's Affections.

PITTSBURG, Pa., June 20.—In Common Pleas Court this morning a summons in trespass was filed against A. Bryan Wall, one of the best known artists in the country, and a member of the board of trustees of the Carnegie Institute, by B. R. Wilkinson of Millvale, a suburb of this city, who accuses him of alienating the affections of Mrs. Wilkinson.

Stephen G. Porter, former city solicitor of Allegheny, is attorney for Mr. Wilkinson, and filed the suit. He declared that he will give no particulars until he files his statement. Under the law he has five days in which to do this.

Mr. Wilkinson is employed as a messenger by the United States Express Company and is away from his home a great deal. His wife is handsome and about 27 years old. Neighbors of the Wilkinsons declare that Mr. Wall has been a frequent visitor at the little home in Millvale. Mr. Wall's attentions to Mrs. Wilkinson have been so marked as to be the talk of the neighborhood for some time.

Mr. Wall, who is unmarried, resides in handsome bachelor quarters at 814 Arch street, Allegheny. It was said there this evening that he could not be seen.

JOHN D. CRIMMINS ILL.

Justice O'Brien Summoned to His Bedside—6 Hours Later.

John D. Crimmins is seriously ill of stomach trouble at his summer home in Noroton, Conn. Supreme Court Justice Morgan J. O'Brien was called to his bedside yesterday morning. Mr. Crimmins has been ill for a week, the ailment being one with which he has long been troubled. He grew steadily worse until yesterday morning, when it was not thought he could survive. In the afternoon he rallied, and friends who telephoned to Noroton learned that he would probably recover unless unforeseen complications set in.

TIME FOR BIG TIM TO RESIGN

If He Expects to Exchange Congress for the State Senate Next Election.

Big Tim Sullivan went to Washington last night. Before he went he admitted that his visit to the capital was not to take an active part in the closing days of Congress, but for a personal purpose. The word went round last night that Big Tim has gone to Washington to resign his seat in the House of Representatives. Big Tim wants to go back to Albany and under the law he could not take a nomination to the State Legislature unless he had resigned his place in the House of Representatives not less than one hundred days before the holding of the convention nominating for the State body. He will go to the State Senate from the Tenth district in place of Daniel J. Riordan, who will have to drop out.

PAULINE HALL BREAKS HER LEG.

Comic Opera Singer's Team of Ponies Runs Away—Her Sister Injured.

YONKERS, June 20.—Pauline Hall, the comic opera singer, had her leg broken and was otherwise badly bruised and shaken up at 6 o'clock this evening in a runaway accident. Her sister, Miss A. Hall, was also bruised, but her daughter and a girl friend escaped injury by jumping.

Miss Hall was driving a team of Shetland ponies. While going over the crest of the hill near Mosholu one of the traces broke, frightening the ponies, and causing them to run away. Near the Mosholu Hotel they ran into a telephone pole, throwing Miss Hall and her sister to the ground. The two children had jumped just before hitting the pole.

A few moments later two men in an automobile came along and took the party to their home, near by. Dr. Duffy was sent for and announced that Miss Hall's left leg, near the ankle, was broken.

"THIRD RAIL EYE" VERDICT.

Award of Damages Against the Boston Elevated Railway Confirmed.

BOSTON, June 20.—The Boston Elevated Railway Company, by reason of a decision of the Supreme Court rendered this forenoon, may find itself open to suits arising out of injuries which have been known as "the third rail eye." It has been asserted that many persons have suffered injury to their sight in consequence of particles of metal falling from the elevated structure. In the case before the court which was decided to-day the plaintiff was John S. Woodall and in the Superior Court he got a verdict of $2,000, which the court reduced to $1,000. The defendant filed exceptions, which were overruled by the Supreme Court.

FAVOR ELEVATED BRIDGE LOOP.

All but Ahearn of Board of Estimate Committee Are for It.

The select committee of the Board of Estimate which is to report on the advisability of building an elevated railroad loop to join the Brooklyn and Williamsburg bridges inspected the route yesterday. The committee consists of all the members of the board except the Mayor. All except Borough President Ahearn favor the project. He wants a week's time to think it over, and if the Rapid Transit Commission will agree to-day not to adjourn for the summer, but to hold a special meeting to consider the matter upon any date suggested by the committee, the Board of Estimate will give him the week. Otherwise the board is likely to act to-morrow.

ICE MEN ACQUITTED.

Officials of Alleged Trust in Cleveland Not Guilty of Restraining Trade.

CLEVELAND, O., June 20.—The alleged ice trust, consisting of thirteen companies, was found not guilty of violation of the Valentine Anti-Trust law to-night. Harry D. Norvell, president of the City Ice Delivery Company, and officers of twelve other companies were indicted about three weeks ago on the charge of conspiracy in restraint of trade. The jury was out six hours.

The trial lasted more than a week, and the State tried to prove that the dealers met early in the spring and fixed the price.

TWO WOMEN HURT IN RUNAWAY.

Both May Die of Their Injuries—Mrs. Starr's Legs Broken.

PELHAM MANOR, N. Y., June 20.—A spirited horse drawing Mrs. George O. Starr of South Columbus avenue, Mount Vernon, and Mrs. M. H. Litson of Manhattan, ran away on the Post road at Pelham Manor to-night, struck the curb and hurled the women from the wagon. Mrs. Starr's legs were broken. She also received internal injuries and is still unconscious. Mrs. Litson received a compound fracture of the skull. Both women are in a precarious condition and the attending physicians are not positive of their recovery.

Mrs. Starr was driving when the horse took fright at an automobile. She clung to the reins and did her utmost to keep the animal going straight, but the horse shied and the front wheels of the vehicle struck the curb. Mrs. Starr was removed to her home in an ambulance and Mrs. Litson to the Mount Vernon Hospital.

Chief Justice Fuller's Secretary Falls From Window and Is Killed.

WASHINGTON, June 20.—Clarence M. York, private secretary to Chief Justice Fuller of the Supreme Court of the United States, fell or jumped from an upper window of the Garfield Hospital some time last night and was found dead on the pavement this morning. He was taken to the hospital yesterday suffering from a nervous breakdown and was apparently in a quiet condition when he retired last night. Mr. York had been secretary to the Chief Justice since 1889.

Latest by Marconi Wireless.

SS Deutschland, for New York, was 80 miles east of Nantucket lightship at midnight.

PATERSON'S MUCK RAKER HUNT

CITY IS BOUND TO STOP CAMPAIGN OF SLANDER.

Mayor Johnson Writes Part Letter to "Collier's Weekly"—City Attorney Ready to Bring Suits for Libel—Think Town Has Been Pounded Hard Enough.

PATERSON, N. J., June 20.—This city has risen in its wrath against the muck rakers, and if it is possible it will make those writers who have characterized it as "a hotbed of anarchy," and everything else that is bad, pay dear for their published utterances. In obedience to the resolution of the Common Council, City Attorney Stalter is looking up the law of libel, and he thinks the city will have a fair chance to win in a suit against any publication that has slandered the name of Paterson. Mayor Johnson sent this letter yesterday to the publishers of *Collier's Weekly*:

"GENTLEMEN: In your issue of June 23, 1906, in the article 'Anarchists in America,' written by Broughton Brandenburg, I find these statements:

I have seen the past few months with my own eyes large gatherings in Paterson, where Czolgosz was cheered as a martyr, and certain of our living great cursed with hate and promised such a death as came to President McKinley. The situation is so bad that the Secret Service has emphasized its advice to President Roosevelt, members of the Cabinet and other prominent men to make no stated tours that would take them through Paterson, N. J.

"As Mayor of a community that suffers sorely from such slanders and on behalf of the people of this city I desire to enter protest against such publication.

"You must certainly be aware of the irreparable harm which comes to any community through the publication of statements like those quoted above. Paterson has suffered much from the venom which has inspired false and malicious stories of this kind in sensational New York newspapers which make no effort to ascertain the truth. The reputation of a great city has been blasted, but the evil results which have followed these attacks are minimized by comparison with the harm wrought by their appearance in a reputable publication. When *Collier's Weekly* publishes stories of this kind they are believed and great injustice is done to Paterson.

"I want to assure you that there is no warrant in fact for the publication of the statements quoted above. Paterson does not deserve the stigma of anarchy which has been created by the imaginative work of the newspaper and magazine writers. There are no organized groups of anarchists in our city, they do not hold public meetings to utter threats and glorify assassins and there is no city where President Roosevelt could visit with greater safety.

"You surely want to be fair, and in this belief I have submitted the facts in thus making protest on behalf of the people of Paterson."

Paterson's hard luck seems to date from the Bosschieter murder, in October, 1900. As will be remembered, this young girl was drugged by four of the gay men about town, taken in a cab to a lonely spot and assaulted. She was then put back into the cab and driven to town, where it was discovered that she was dead. The men who had assaulted her drove back to the lonely spot with the body and threw it on the ground so that the back of her head struck a stone, the intention being to create the impression that she had been killed by a fall. The cabman finally told the whole story to the authorities, and the four men were sent to State Prison for long terms.

This murder gave Paterson an unenviable fame. It was held up day after day in the newspapers as the most immoral town in the country, and its inhabitants were jeered wherever they went. A letter addressed to Hell which was dropped in the Passaic post office about that time was delivered at Paterson. The Presidential campaign was on, and whenever a Paterson marching club went out of town to take part in the parades its members were hissed and hooted and saluted with:

"Here come the McAlisters. Have you got your knockout drops with you?"

McAlister was the ringleader in the assault upon the Bosschieter girl. He and two of his companions got thirty years each. The other one got fifteen years.

Paterson was just getting over the scandal of this case when the big fire came that swept away the business portion of the city, entailing the loss of millions. That was in February, 1902, and a few months later the city was badly damaged by floods. In July, 1903, a tornado swept the city, killing several persons and doing a large amount of damage to property. This was followed by another flood a few months later, and again the whole lower part of the town was inundated, causing a shutdown in the mills and much damage to factories and residences.

When the assassin of King Humbert of Italy was caught cable messages from the other side declared that the plot was hatched by Bresci and his associate anarchists in Paterson. As a matter of fact Bresci lived in Hoboken, and the people of Paterson declare that he never was in this city. But the story spread, and Paterson, which contained a few of the loudest mouthed of all the anarchists in this country, began to be looked upon as the headquarters of dynamiters and bomb throwers.

Then came the silk strike riots, in which MacQueen and Grossman, two notorious anarchists and advocates of the bomb and the torch, were the leaders. The fact that they led the riots added greatly to the bad name of Paterson, and the city was looked upon all over the world as the hatching ground for plots against kings, emperors and other persons in high station. Every time an attempt was made upon the life of a ruler abroad the cables brought us the news that the anarchists of Paterson had got busy again.

The article in *Collier's*, the officials of the city say, was the last straw, and it was then determined to make an effort to stop what they characterize as the cruel, unjust and wholly unwarranted slander of the fair name of the city. They consider that the town has been pounded hard enough in the past for no particular cause at all, and that it is up to the representatives of the local government to put a stop to the mud slinging if there is any way in which it can be lawfully done. They declare that Paterson is a law abiding town and not the meeting place of the Reds. Here is a sample of the printed stuff that has aroused the ire of the